

## REMARKS

### 1. Introduction

The undersigned thanks Examiner Fults and Primary Examiner Sough for the courtesy of the personal interview conducted on February 11, 2004. In the interview, independent claims 47 and 52 were discussed, as were the outstanding rejections under 35 U.S.C. §112, 1<sup>st</sup> ¶ and 35 U.S.C. §101. No agreement was reached, and a non-final rejection of all claims was mailed on February 24, 2004.

Claims 47-53 are pending in this matter. The Examiner continues to reject all claims under 35 U.S.C. §112, first and second paragraphs, under 35 U.S.C. §101 as lacking patentable utility, and under 35 U.S.C. §103 as being obvious over a variety of references. Applicant respectfully traverses each of these grounds of rejection, and addresses each in turn below. In support of this response, Applicant submits Declarations of Jeffrey Starr and Alasdair MacDonald (hereinafter the "Starr Declaration" and "MacDonald Declaration", respectively). Each is discussed further below.

As an initial matter, Applicant respectfully notes the following items related to the status of prosecution of the present application:

(1) Applicant respectfully requests that the Examiner provide some response to Applicant's arguments so that prosecution may be advanced. In his prior response, Applicant presented amended claims and detailed arguments in response to the Examiner's rejections under 35 U.S.C. §§ 101, 112 and 103. The Examiner has not taken note of any of the arguments or answered the substance of them as required by MPEP §707.07(f).<sup>1</sup>

(2) For a third time, Applicant requests that the Examiner consider the art cited in Applicant's previously submitted IDS (and initial the PTO Form 1449).

(3) Applicant respectfully requests that the Examiner direct his arguments to the claims presently in the application. As will be discussed further below, it appears that several of the Examiner's rejections are directed to earlier versions of claims no longer present in the application.

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<sup>1</sup> Instead, the Examiner provides a section titled "Response to Applicant's Arguments" which reiterates, almost *verbatim*, the Examiner's rejections from the other sections of the Office Action but does not address any of Applicant's arguments.

2. **The rejection under 35 U.S.C. §112, 1<sup>st</sup> para**

*a. Review of the Examiner's rejection*

The Examiner rejects claims 47-53 under 35 U.S.C. §112, 1<sup>st</sup> ¶, stating that the “claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertain, or with which it is most nearly connected, to make and/or use the invention.” In support of this rejection, the Examiner makes the following assertions:

(1) The Examiner contends that the term “quotient” is used in a manner that is unclear (or is “the opposite” of its “well known meaning”).

(2) The Examiner contends that use of the terms “first category or second category” risk scores is unclear because there is “no definition of what or at what level the threshold is or how it is calculated, nor is there any definition of what the scale of the score is so as to determine what numerical level is considered high and what level is low.”

(3) The Examiner contends there is “only a general concept proposed that one should know who they are dealing with in a financial transaction through some undescribed set of evaluation factors with equally undescribed weighting criteria, and how that knowledge on some undescribed numeric scale might impact their decision to do business with them in some undescribed way.”

(4) The Examiner contends that the “claims of the applicant are very broad and vague, there is generally no direction provided by the inventor, and the users must of necessity conduct a great deal of experimentation on their part in order to use the invention--to the point where the users become the inventor of their own application of the invention, rather than the applicant.” (Office Action at pages 2-3).

Applicant respectfully asserts that each of these observations of the Examiner do not amount to the compelling reasoning or objective evidence required to sustain a rejection for lack of enablement. The Examiner has not met his burden to establish a proper basis for rejection. Even if the Examiner had met his burden, Applicant submits herewith evidence (see the

declarations attached hereto) showing that one of ordinary skill in the art would have been able to make and use the claimed invention without undue experimentation. Prior to a detailed discussion of the Examiner's observations and rejection, a brief review of the law of enablement will be provided.

***b. Review of the law of enablement***

The first paragraph of 35 U.S.C. §112 requires that the specification of a patent contain a written description of the claimed invention and the manner and process of making and using that invention in such full, clear, concise, and exact terms as to enable any person skilled in the art to which that invention pertains, or with which it is most nearly connected, to make and use that invention. *See also* MPEP §2164. Nothing more than objective enablement is required, and therefore it is irrelevant whether this teaching is provided through broad terminology or illustrative examples. *In re Marzocchi*, 439 F.2d 220, 223 (CCPA 1971).

It is a well-established rule that, to be enabling, a specification must teach those skilled in the art how to make and use the full scope of the claimed invention without "undue experimentation". *See, e.g., In re Vaeck*, 947 F.2d 488, 495 (Fed. Cir. 1991), MPEP §2164.01. Further, the test is not whether any experimentation is necessary, but whether, if experimentation is necessary, it is undue. *In re Angstadt*, 537 F.2d 498, 504 (CCPA 1976); MPEP §2164.01.

Factors to be considered in determining whether a disclosure would require "undue experimentation" include (1) the breadth of the claims, (2) the nature of the invention, (3) the state of the prior art, (4) the level of one of ordinary skill, (5) the level of predictability in the art, (6) the amount of direction provided by the inventor, (7) the existence of working examples, and (8) the quantity of experimentation needed to make or use the invention based on the content of the disclosure. *In re Wands*, 858 F.2d 731, 737 (Fed. Cir. 1988); MPEP §2164.01(a). Further, as long as the specification discloses at least one method for making and using the claimed invention that bears a reasonable correlation to the entire scope of the claim, then the enablement requirement is satisfied. MPEP §2164.01(b).

As will be discussed further below, the present application (1) discloses at least one method for making and using the claimed invention that closely correlates to the scope of the claims, (2) sufficiently describes the claimed invention and the manner and process of making and using that invention in such full, clear, concise, and exact terms as to enable any person skilled in the art to make and use that invention.

c. The claims are enabled by the specification

If the Examiner has met his burden and has established a *prima facie* case that the claims are not enabled (which Applicant respectfully asserts is not the case here<sup>2</sup>), the burden shifts to Applicant to present arguments, supported by suitable proof where necessary, that the claims are enabled. Applicant respectfully asserts that the claims are enabled and provides the following argument and proof.

As discussed in Applicant's previous response, the specification discloses at least one method for making and using the claimed invention. For example, the management of risk related to political exposure associated with financial transactions is described throughout the specification as filed. Further, examples that particularly describe a method for making and using the claimed invention as recited in the newly presented claims are provided at pages 12-13. In the examples, a first category political risk score based on financial transaction data is generated for the "company profile category" (the score is -15) and a second category political risk score based on financial transaction data is generated for the account holder (the score is 3), and an overall transaction political risk quotient is calculated as the sum of  $-15 + 3 = -12$ . In the example implementation, this overall transaction political risk quotient is determined to indicate a "low risk". Appropriate action may be taken based on this determination. The Examiner disregards this disclosure in the specification. The disclosed method is closely correlated to the newly presented claims. As such, the specification enables the newly presented claims. The

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<sup>2</sup> For example, the Examiner fails to make a *prima facie* case at least because the Examiner ignores the language and scope of the claims as presented. "[T]he PTO bears an initial burden of setting forth a reasonable explanation as to why it believes the scope of protection provided by [the rejected] claim is not adequately enabled by the description of the invention provided in the specification of the application..." *In re Wright*, 999 F.2d 1557, 1561-62 (Fed. Cir. 1993); MPEP §2164.04. The Examiner's rejection ignores the claim language. As such, no *prima facie* case has been made.

claims are compliant with 35 U.S.C. §112. Applicant respectfully requests that the Examiner's enablement rejection be removed.

The Examiner ignores the scope of the claims and the disclosure, and instead focuses on several perceived issues associated with the claims, including the use of the terms "quotient" and "category". Applicant submits herewith evidence from the perspective of two different persons of skill in different arts (computer programming and risk / mathematics) who believe the terms are clear and used in a manner understood in the art<sup>3</sup> and that the claims are enabled and clear. The declarants state that as of the filing date of the application, they could have made or used the claimed invention without unreasonable experimentation. Further, the declarants make it clear that the terms that trouble the Examiner are clear and distinct. For example, despite the Examiner's contention to the contrary, as shown in the Starr Declaration, a person skilled in the art of mathematics understands that the term "quotient" is used in the claims and application in a manner that is clear. Applicant respectfully requests that the Examiner remove the rejection under 35 U.S.C. §112.

**3. The rejection under 35 U.S.C. §112, 2<sup>nd</sup> para**

**a. Review of the Examiner's rejection**

The Examiner rejects the claims under 35 U.S.C. §112, 2<sup>nd</sup> ¶ as failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. In general, the Examiner reiterates the same reasons as provided for his rejections under 35 U.S.C. §112, 1<sup>st</sup> ¶.

***b. Review of the law requiring that the "claims set forth the subject matter that an applicant regards as the invention"***

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<sup>3</sup> Even if Applicant's use of the term were contrary to its common meaning, the use of the term would still comply with the requirements of 35 U.S.C. §112. "It is a well-established axiom in patent law that a patentee is free to be his or her own lexicographer, ... *and thus may use terms in a manner contrary to or inconsistent with one or more of their ordinary meanings.*" *Hormone Research Foundation, Inc. v. Genentech, Inc.* 904 F.2d 1558, 1563 (Fed. Cir. 1990) (emphasis added).

The MPEP makes it clear that a “rejection based on the failure to satisfy this requirement is appropriate only where applicant has stated, somewhere other than in the application as filed, that the invention is something different from what is defined by the claims. In other words, the invention set forth in the claims must be presumed, in the absence of evidence to the contrary, to be that which applicants regard as their invention.” MPEP §2172(I), citing *In re Moore*, 439 F.2d 1232, 169 USPQ 236 (CCPA 1971).

***c. The claims set forth the subject matter that the applicant regards as his invention***

The Examiner has not presented any argument or reasons why he believes Applicant’s claimed invention is “something different from what is defined by the claims.” At least for this reason, Applicant respectfully requests that the Examiner withdraw the rejection under §112, 2d ¶. In addition, if the Examiner intended to reject the claims for failing to particularly point out and distinctly define the metes and bounds of the subject matter, Applicant respectfully asserts that the claims meet this requirement of §112 as well (*e.g.*, at least as shown by the Starr and MacDonald Declarations).

**4. The rejections under 35 U.S.C. §101**

**a. Review of the Examiner’s rejection**

The Examiner rejects claims 47-53 on the ground that “the claimed invention lacks patentable utility.” (Office Action at page 5). In particular, the Examiner states that the “invention claims to evaluate risk associated with accounts held by a ‘politically identified person’. The specifications provide very little usable clear guidance as to how to objectively make this determination.” (*Id.* at page 6). The Examiner goes on to state that the “algorithms are not given nor are the necessary list of essential elements or questions identified to produce the desired tangible and concrete end result.” (*Id.*). This exact ground of rejection was presented in the previous office action, and was addressed in Applicant’s previous response. The Examiner has not addressed or acknowledged the Applicant’s arguments. Applicant respectfully requests that the Examiner provide a response to his arguments.

b. Review of the law of utility

Once again, Applicant respectfully traverses this ground of rejection. In particular, Applicant respectfully asserts that the Examiner is misapplying the utility requirement of 35 U.S.C. §101, and has not established a proper *prima facie* case for a rejection under §101. As stated in the MPEP at §2164.07, “[t]he requirement of 35 U.S.C. 101 is that some specific, substantial, and credible use be set forth for the invention.” The MPEP’s guidelines for applying the utility requirement specifically note that “[i]f at any time during the examination, it becomes readily apparent that the claimed invention has a well-established utility, do not impose a rejection based on lack of utility.” (MPEP §2107 II(A)(3)). The MPEP goes on to mandate “If the applicant has asserted that the claimed invention is useful for any particular practical purpose (*i.e.*, it has a ‘specific and substantial utility’) and the assertion would be considered credible by a person of ordinary skill in the art, do not impose a rejection based on lack of utility.” (*Id.* at II(B)(1)).

c. The claimed invention has patentable utility

(1) **The specification recites a credible utility**

Here, the claims recite a “method to facilitate management of risk related to political exposure associated with a financial transaction” which includes, *inter alia*, the calculation of an overall transaction risk quotient that may be used to generate or determine a suggested action associated with the financial transaction. The specification, at numerous places, recites a particular practical purpose for the claimed invention – to assess political risk associated with a transaction and to recommend and/or take action in accordance with the risk. (*See, e.g.*, pages 3-4).

(2) **Evidence shows that the claimed invention has patentable utility**

In his previous response, Applicant provided references (reiterated herein by reference) to third party news sources discussing systems related to the present application and generally confirming that the assessment of political risk associated with a transaction serves a practical, credible, and newsworthy purpose. The Examiner, apparently, ignores this evidence and has not acknowledged it. Applicant submits herewith another recent news article (from the New York

Times, a highly credible news source) discussing a large fine that was imposed on Washington's Riggs Bank for allegedly violating anti-money laundering laws in its handling of transactions in Saudi-controlled accounts under investigation for possible links to terrorism financing.<sup>4</sup> That is, the bank was fined because it failed to properly assess the political risk associated with transactions involving certain accounts—exactly the purpose of some embodiments of the present invention. It is likely that Riggs Bank would disagree with the Examiner's assertion that the present invention lacks patentable utility (for example, if Riggs implemented a system such as described in the present application, Riggs could have avoided the \$25,000,000 fine). Further, the Federal Reserve likely would disagree with the Examiner's assertion, as they subsequently ordered Riggs Bank to "take steps to avoid money laundering".<sup>5</sup>

Applicant submits that these articles are evidence that the present invention has a credible, particular and practical purpose. The press is not alone in recognizing this credible, particular and practical purpose. Persons skilled in the art appreciate that the present invention has substantial utility. For example, Applicant submits herewith the Starr Declaration showing that a person of skill in the art understands and finds the claimed invention to have a particular, practical and credible utility. For example, the application describes a system that "has utility for evaluating risks in a standardized manner ... and which can provide greater objectivity and standardization in evaluating such risks." (Starr Declaration at ¶5).

The claimed invention recites a specific, substantial, and credible use for the invention. The press and the industry understand and acknowledge this utility. Persons skilled in the art understand and acknowledge this utility. The claimed invention is useful and statutory, and Applicant respectfully requests that the Examiner's rejection under 35 U.S.C. §101 be withdrawn.

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<sup>4</sup> See "Regulators Fine Riggs \$25 Million", New York Times, May 14, 2004 (reproduced from <http://www.nytimes.com/2004/05/14/business/14bank.html>, copy attached).

<sup>5</sup> See "Fed Orders Riggs to Make Changes", New York Times, May 15, 2004 (reproduced from <http://www.nytimes.com/2004/05/15/business/15bank.html>, copy attached).



**5. The rejections under 35 U.S.C. §103**

The Examiner rejects claims 47-53 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,341,267 (“Taub”) in view of U.S. Patent No. 6,349,290 (“Horowitz”) and U.S. Patent No. 6,321,212 (“Lange”), and U.S. Patent No. 6,513,018 (“Culhane”), and U.S. Patent No. 6,119,103 (“Basch”). Applicant respectfully traverses this ground of rejection. As with the rejection under 35 U.S.C. §101, the Examiner has not provided a response to Applicant’s arguments traversing the §103 rejection; Applicant requests that the Examiner provide a response so that the case may be advanced. Further, Applicant respectfully requests that the Examiner at least make an attempt to compare the references to the claims currently in the application; in this Office Action, the Examiner simply reiterates (almost *verbatim*) his rejections of previous claims (*e.g.*, the Examiner, apparently, is rejecting claims having limitations such as “aggregating risk quotients relating to a financial institution”, “notifying an authority”, *etc.* which were removed from the claims in Applicant’s last response).

As an initial matter, Applicant respectfully suggests that the Examiner is confusing the analysis of political risk with the analysis of credit risk. A brief explanation may be helpful prior to discussing the references. Credit risk is a measure of expected loss of funds. For example, a financial institution performs credit risk analyses prior to lending money to an individual to determine how likely it is that the financial institution will be repaid the money. Credit risk is impacted by the borrower’s collateral and credit history. A borrower with sufficient collateral may be a low credit risk. Political risk, as used in the context of the present application, is unrelated to credit risk. To the contrary, many transactions evaluated using the present invention may involve borrowers or counterparties having excellent collateral and presenting a very low credit risk. Embodiments, instead, assess the political exposure associated with the transaction. For example, referring to the Riggs Bank situation discussed in the articles at footnotes 4 and 5 above, embodiments of the present invention could have been used to determine that the Saudi accounts presented an undesirable level of political risk and should not have been opened (despite the apparent fact that the accounts posed a low credit risk). This distinction between credit risk and political risk may help the Examiner understand some of the fundamental distinctions between the claimed invention and some of the cited references.

The differences between the claimed invention and the cited references are substantial. For example, Applicant respectfully asserts that none of the references, alone or in any combination, teach or suggest a computer-implemented method to facilitate management of risk related to political exposure associated with a financial transaction which includes (a) calculating, based on first and second category political risk scores, an overall transaction political risk quotient associated with the financial transaction, or (b) comparing the overall transaction political risk quotient with a risk quotient threshold to determine a suggested action associated with the financial transaction. Each of these claimed features are missing from the cited references; further, there is simply no motivation or teaching in any of the cited references to amend or modify the references to provide these claimed features. As such, the claimed invention is patentable over the cited references, alone or in combination.

The Taub reference describes “methods, systems and apparatuses for matching individuals with behavioral requirements and for managing providers of services to evaluate or increase individual’s behavioral capabilities.” (*See, e.g.*, the Title and Abstract). Taub purports to achieve a number of objects by using an “algorithm utilizing seven types of behavioral abilities to compare an individual’s attained abilities with all the abilities required for any role in any situation.” (Col. 5, lines 1-5). The seven types of behavioral abilities are described at Col. 8, line 59 – Col. 10, line 5, and include abilities such as spiritual abilities, ethical abilities, aesthetic abilities, physiological abilities, *etc.* Service providers can use the Taub system to define required behavioral abilities for a particular role situation and can then screen individuals to select candidates who have the required behavioral abilities. That is, Taub is a personality and behavior matching system.

Taub’s personality and behavior matching system is not a computer-implemented method to facilitate management of risk related to political exposure associated with a financial transaction as recited in the newly-presented claims. Applicant is at a loss to understand how the Examiner can construe Taub as describing any aspect of embodiments of the present invention. As a simple analogy: Taub’s system could help Saddam Hussein (or some other politically identified person) find a job that suits his particular behavioral abilities, but it could not help a

financial institution manage political risk associated with a financial transaction involving Saddam Hussein.

More particularly, Taub fails to teach or suggest calculating, based on first and second category political risk scores, an overall transaction political risk quotient associated with the financial transaction. The only scores or calculations described in Taub are scores or calculations resulting from tests taken by individuals who are having their behavioral profile monitored. There is simply no teaching or suggestion in Taub to calculate risk scores associated with political categories (e.g., such as a company profile category or an account holder category). Further, there is no teaching or suggestion to calculate an overall transaction political risk quotient based on the scores from the categories. Any suggestion that Taub does describe such features is pure hindsight reconstruction. Applicant requests that the Examiner clearly and specifically point out where there is any teaching or suggestion in Taub to perform any such scoring or calculations. Further, Taub also fails to teach or suggest any comparison of an overall transaction political risk quotient with a threshold to determine a suggested action. As discussed above, Taub does not teach or suggest generating any overall transaction political risk quotient. As such, there can be no comparison as claimed.

The Examiner combines the Horowitz reference with Taub (apparently to make up for the deficiencies of Taub). The Examiner states that Horowitz discloses the “computerized collection of personalized information (personal behavior (experience), financial aptitude, financial assets, and a combination of these factors) by a financial institution from a person with whom they are in a financial relationship, regardless of for whom they worked or whether or not they were an elected official (politically identified person).” (Office Action at page 5). As with the rejection over Taub, the Examiner broadly points to the entire disclosure of Horowitz, without providing any specific reference to a specific teaching (citing “columns 1-48 but in particular columns 1-5”). This unclear ground of rejection makes it difficult for Applicant to directly respond to the Examiner’s assertion. In reviewing the disclosure of Horowitz, it appears that Horowitz describes a system and method for “customized and personalized presentation of products and services of a financial institution.” (see, e.g., the Title and Abstract). In general, the Horowitz system is a targeted marketing system for “presenting customized and personalized product and

service messages that allows a financial institution, such as a bank, to retain customers and attract new customers, while maintaining the lowest possible cost of agent support staff.” (Col. 1, line 67 – col. 2, line 4).

Horowitz’s customized and personalized sales system is not a computer-implemented method to facilitate management of risk related to political exposure associated with a financial transaction as recited in the newly-presented claims. As with the Taub reference, Applicant is at a loss to understand how the Examiner can construe the Horowitz reference as describing any aspect of embodiments of the present invention. Continuing the previous analogy: Horowitz’s system could help a financial institution sell “customized and personalized” financial products to Saddam Hussein, but it could not help the financial institution manage political risk associated with a financial transaction involving Saddam Hussein.

More particularly, like Taub, Horowitz fails to teach or suggest calculating, based on first and second category political risk scores, an overall transaction political risk quotient associated with the financial transaction. Horowitz does describe the performance of some risk analyses. However, the risk analyses described by Horowitz relate to determining the customer’s tolerance for risk in his financial products. Horowitz does this using a “context assessment engine 114”. The context assessment engine operates to determine the “general applicability of an advice 3 to an individual, for example, by ... determining a risk level of the advice 3 based on the customer’s financial profile 94, comparing the risk level to the risk tolerances to previous customers’ activity, downgrading the risk tolerance of an individual in the customer profile 94, if the advice had a risk factor involved, and updating the customer’s ‘life stage’ factor in the customer profile 94, if the advice was aimed at a long term goal.” (Col. 22, lines 6-17). Identifying or tracking a customer’s tolerance for risk is not the same as calculating an overall transaction political risk quotient associated with a financial transaction.

Further, because Horowitz does not describe any calculation of an overall transaction political risk quotient, Horowitz also does not describe any comparison of an overall transaction political risk quotient with a risk quotient threshold to determine a suggested action. As with Taub, there is simply no teaching or suggestion in Horowitz to provide such features.

Finally, the Examiner cites the Lange reference, apparently to make-up for deficiencies of the Taub and Horowitz references. Again, the Examiner does not point to specific teachings of the reference, and instead broadly refers to the entire disclosure, stating that Lange “discloses (see pages 1-116 but in particular pages 1-14) a computerized method of statistically analyzing risk from financial transactions based on user data from the people involved in the financial transaction, using all the standard statistical and financial methodology. Because it would have been common sense and advantageous and would have provided a more comprehensive and cost effective method of analyzing financial risks relative to the political exposure involved it would have been obvious to one skilled in the art at the time of the invention to add the teachings of Horowitz and Lange to those of Taub, and to add those of Taub to those of the others for the same reason.” (Office Action at page 5).

Lange describes a particular type of financial product (that is, a derivative instrument having a demand-based adjustable return) and a trading exchange for trading the financial product. (See, e.g., the Title and Abstract). In particular, Lange describes a derivative that can be readily traded on a public exchange. Lange’s derivatives and related trading exchange are not a computer-implemented method to facilitate management of risk related to political exposure associated with a financial transaction as recited in the newly-presented claims. As with the Taub and Horowitz references, Applicant’s is at a loss to understand how the Examiner can construe the Lange reference as describing any aspect of embodiments of the present invention. Lange’s system could help a financial institution auction a derivative security on behalf of Saddam Hussein, but it could not help a financial institution manage risk associated with a transaction involving Saddam Hussein.

More particularly, like Taub and Horowitz, Lange fails to teach or suggest calculating, based on first and second category political risk scores, an overall transaction political risk quotient associated with the financial transaction. There is simply no discussion of the calculation of any category risk scores, much less an overall transaction political risk score in the Lange reference. Further, Lange fails to teach or suggest comparing the overall transaction political risk quotient with a risk quotient threshold to determine a suggested action associated

with the financial transaction, at least because Lange fails to teach calculating an overall transaction political risk quotient.

Each of the references lacks several elements of the claimed invention. Further, there is simply no teaching or suggestion in any of the references that would have led one skilled in the art to modify any of the references to provide the claimed features. As such, Applicant respectfully asserts that the claimed invention is patentable over the cited references, alone or in any combination. Claims 48-51 are believed patentable at least as depending from a patentable base claim. Claim 52 is believed patentable for similar reasons given for claim 47, and claim 53 is believed patentable as depending from a patentable base claim.

Applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn. If the Examiner persists in the rejection, Applicant respectfully requests that the Examiner comply with his obligation to clearly state the basis of his rejection, and clearly cite portions of the references which allegedly support his grounds of rejection so that Applicant can form an appropriate response. Applicant's previous pleas for specificity have again gone unheeded, making it difficult for Applicant to advance the case.

**Conclusion**

Accordingly, Applicant respectfully asserts that each of the newly presented claims is patentable over the cited references. Applicant's silence with respect to other comments made in the Office Action does not imply agreement with those comments. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at 203-972-0081.

Respectfully submitted,



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Date

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Enclosures

- (1) Declaration of Jeffrey Starr
- (2) Declaration of Alasdair MacDonald
- (3) New York Times Article dated May 14, 2004
- (4) New York Times Article dated May 15, 2004